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Biden Announces New Environmental Protection Measures

Wilmington, DE – At a press conference on Monday, April 28 at Fox Point State Park, Attorney General Beau Biden announced that the Delaware Department of Justice is taking steps to push for tougher environmental protection laws and enhance enforcement of existing statutes. Biden was joined by State Senator David McBride, sponsor of legislation that would increase the penalties for a range of illegal dumping and other environmental pollution, and Secretary John Hughes of the State's Department of Natural Resources and Environmental Control, who underscored the statewide coordination of anti-pollution efforts.

"By strengthening our laws, targeting enforcement actions, and partnering with other state agencies, we're putting polluters on notice that we will hold them accountable," stated Attorney General Joseph R. Biden, III.

The legislation, to be introduced in the General Assembly's spring session, enhances Delaware's environmental protection laws in several key ways, including:

- Increasing penalties for illegal dumping, some of which have not been increased in 35 years. This includes doubling the minimum penalty for strict liability environmental offenses.
- Giving private landowners the right to seek damages and attorneys' fees from polluters who illegally dump on their land.
- Establishing greater penalties for illegal dumping in Delaware's state parks. These include doubling the penalty for first offenses and setting higher penalties for multiple offenses. These penalties have not increased in 17 years.
- Enhancing law enforcement's tools to prosecute dumping by allowing citations to be issued to owners of vehicles that are involved in dumping activity.
- Clarifying that those who indirectly participate in illegal dumping are also violating the law.

Biden also announced that he has created the new position of Environmental Compliance Deputy within the Department of Justice. Veteran Deputy Attorney General Laura Gerard will hold this position, which is dedicated full-time to environmental enforcement actions.

In addition, the Attorney General restated Delaware's participation with other states in regional and national environmental protection actions. He noted several recent partnerships, including a federal lawsuit joined by Delaware and 17 other states that urges the Environmental Protection Agency to regulate motor vehicle gas emissions. Other joint efforts have included a call

for renewable energy generation over carbon-dioxide emitting coal-fired plants, and a petition to Congress to protect states' rights to regulate greenhouse gas emissions under the federal Clean Air Act.

Also noted were ongoing enforcement actions in Delaware, such as the criminal conviction of a Maryland man on April 16 for transporting and dumping clam waste in a State wildlife area. That man, Everett E. Thomas, of Hurlock, Maryland, now faces incarceration, fines, and restitution when he is sentenced in June.

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